

REMARKS

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1, 3, 6-11, 13, and 16-17 are pending in this application.

The previous amendment was objected to under 35 USC 132(a) for introducing new matter into claims 1 and 11. Applicants apologize for attempting to use the term "damaged" as an idiomatically correct equivalent to the term "partially destroyed" as used in Figure 12 and page 56 of the Specification. Applicants have amended claims 1 and 11 to include the "partially destroyed" term used in the specification. Accordingly, this objection is moot.

Claims 1, 3, 6-11, 13, and 16-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ginter et al. (Published U.S. Application 2004/0133793) in view of Shimoyoshi et al. (U.S. Patent 5,548,574).

The present claims now recite "when said discriminating means judges said encoded digital data to be legally purchased data, executes a process to offer an additional service to said customer, wherein said additional service offered to said customer by said controlling means includes: moving ... restoring ... and converting..." (Claims 1 and 11) In this manner, the present invention provides the specified additional services to a customer when the encoded digital data is deemed to have been legally purchased.

To meet this feature of the present invention, the Examiner combines the teachings of Gintner with Shimoyoshi. The Examiner concedes that Gintner does not explicitly disclose the

moving, restoring, and converting operations recited in the claims. Rather, the Examiner relies upon Shimoyoshi to meet these limitations. However, one inventive aspect of the present invention is the requirement that the moving, restoring, and converting operations are offered only when the data has been legally purchased. Applicants respectfully assert that it would not have been obvious to condition Shimoyoshi's moving, restoring, and converting operations on Ginter's validation of the electronics rights information. Moreover, Ginter does not disclose executing a process to offer moving, restoring, and converting operations as required in the present invention.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

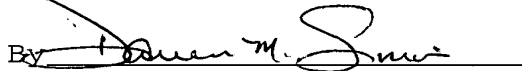
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095.

Dated: October 10, 2007

Respectfully submitted,

By 

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